

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

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The Minutes

August 20, 2007

At 9:30 a.m., the court met in the Library and Courts Building to begin its court calendar session. Present were Raye, Associate Justice; Robie, Associate Justice; Butz, Associate Justice; and Haskett, bailiff.

C053407 THE PEOPLE v. EDWARD D. JONES & CO.

Cause called. W. Richard Sintek, Deputy Attorney General, argued and Jon M. Ichinaga appeared only for appellant. David M. Harris, argued for respondent. Cause submitted.

At 10:07 a.m., the court recessed. At 10:10 a.m., the court reconvened with Blease, Associate Justice; Raye, Associate Justice; and Cantil-Sakauye, Associate Justice.

C051615 THE PEOPLE v. SINGH

Cause called. Janis Shank McLean, Deputy Attorney General, argued for appellant. There was no appearance made by respondent. Cause submitted.

C053271 CALIFORNIA EARTH CORPS v. STATE LANDS COMMISSION et al. and DEVELOPERS DIVERSIFIED REALTY CORP.

Cause called. Joshua N. Levine argued for real party in interest and appellant. Douglas P. Carstens argued for respondent California Earth Corps. Alan V. Hager, Deputy Attorney General, argued for respondent State Lands Commission et al. Cause submitted.

At 10:23 a.m., the court recessed. At 2:00 p.m., the court reconvened with Scotland, Presiding Justice; Morrison, Associate Justice; and Butz, Associate Justice.

C054156 THE PEOPLE v. SEMBRANO

Cause called. Mark Shenfield, court appointed counsel, argued for appellant. Wanda Hill Rouzan, Deputy Attorney General, argued for respondent. Cause submitted.

At 2:19 p.m., the court recessed. At 2:22 p.m., the court reconvened with Scotland, Presiding Justice; Blease, Associate Justice, and Hull, Associate Justice.

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Hull, J.

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August 21, 2007

At 9:30 a.m., the court met in the Library and Courts Building to begin its court calendar session. Present were Scotland, Presiding Justice; Nicholson, Associate Justice; Morrison, Associate Justice; and Horner, bailiff.

C051904 THE PEOPLE v. HARRIS

Cause called. John L. Staley, court appointed counsel, argued for appellant. Judy Kaida, Deputy Attorney General, argued for respondent. Cause submitted.

C053225 KNABE v. BRISTER

Cause called. David R. Lane argued for appellant. Randy L. Bakke argued for respondent. Cause submitted.

At 10:13 a.m., the court recessed. At 10:17 a.m., the court reconvened with Sims, Associate Justice; Nicholson, Associate Justice; and Morrison, Associate Justice.

**C051518 GIFFIN v. KEHOE
MICKALICH v. KEHOE**

Cause called. Edward R. Brenner argued for appellant. William E. Kruse argued for respondent. Cause submitted.

At 10:35 a.m., the court recessed. At 10:40 a.m., the court reconvened with Sims, Associate Justice; Nicholson, Associate Justice; and Butz, Associate Justice.

C053571 THE PEOPLE v. SPARKMON

Cause called. Kathleen C. Page, court appointed counsel, argued for appellant. A. Kay Lauterbach, Deputy Attorney General, argued for respondent. Cause submitted.

At 11:00 a.m., the court recessed until 9:30 a.m., Wednesday, August 22, 2007.

C048087 THE PEOPLE v. HAYES

(Not for Publication)

The judgment is affirmed.

ROBIE, J.

We Concur: Blease, Acting P.J.
 Morrison, J.

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August 21, 2007, continued

- C049017 THE PEOPLE v. FORD (Not for Publication)**
The superior court is directed to prepare an amended abstract of judgment... In all other respects, the judgment is affirmed.
BLEASE, Acting P.J.
We Concur: Nicholson, J.
Cantil-Sakauye, J.
- C050093 THE PEOPLE v. JOHNSON et al. (Not for Publication)**
The judgments are affirmed.
MORRISON, J.
We Concur: Blease, Acting P.J.
Butz, J.
- C050240 THE PEOPLE v. VALLE (Not for Publication)**
The judgment is affirmed.
NICHOLSON, Acting P.J.
We Concur: Butz, J.
Cantil-Sakauye, J.
- C050768 THE PEOPLE v. RUIZ (Not for Publication)**
The judgment is affirmed.
NICHOLSON, Acting P.J.
We Concur: Butz, J.
Cantil-Sakauye, J.
- C050877 THE PEOPLE v. CALLAHAND (Not for Publication)**
The judgment is affirmed.
HULL, J.
We Concur: Sims, Acting P.J.
Robie, J.
- C052117 THE PEOPLE v. BROWN (Not for Publication)**
The judgment is affirmed.
ROBIE, J.
We Concur: Hull, Acting P.J.
Butz, J.
- C052642 THE PEOPLE v. BOSWELL (Not for Publication)**
The judgment is affirmed.
SIMS, J.
We Concur: Blease, Acting P.J.
Cantil-Sakauye, J.

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- C052839 THE PEOPLE v. BLANKENSHIP (Not for Publication)**
The judgment is affirmed.
NICHOLSON, Acting P.J.
We Concur: Raye, J.
Robie, J.
- C053077 THE PEOPLE v. STANLEY (Not for Publication)**
The judgment is affirmed.
CANTIL-SAKAUYE, J.
We Concur: Blease, Acting P.J.
Raye, J.
- C053364 THE PEOPLE v. SHAY (Not for Publication)**
We order the dismissal of counts 1, 2, and 4 in case No. SF05-028. In all other respects, the judgment is affirmed.
BLEASE, Acting P.J.
We Concur: Sims, J.
Cantil-Sakauye, J.
- C053378 THE PEOPLE v. MARTINEZ (Not for Publication)**
The trial court is directed to remove the current abstract of judgment from the record and to prepare a new abstract of judgment reflecting the minors' first names and last initial only. The trial court is directed to redact the last names of the minor victims from the minute order and replace with the last initial. The trial court is directed to forward a certified copy of the new abstract of judgment to the Department of Corrections and Rehabilitation. The judgment is affirmed.
SIMS, Acting P.J.
We Concur: Hull, J.
Butz, J.
- C053620 THE PEOPLE v. CARTER (Not for Publication)**
The judgment is affirmed.
DAVIS, J.
We Concur: Blease, Acting P.J.
Sims, J.

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- C053906 THE PEOPLE v. CRITTLE (Certified for Partial Publication)**
The judgment is modified... As modified, the judgment is affirmed. The trial court is directed to amend the abstract of judgment accordingly and to send a certified copy of the amended abstract to the Department of Corrections and Rehabilitation.
SCOTLAND, P.J.
We Concur: Sims, J.
 Cantil-Sakauye, J.
- C054419 THE PEOPLE v. TERRY (Not for Publication)**
The judgment is affirmed.
Hull, J.
We Concur: Sims, Acting P.J.
 Butz, J.
- C054582 THE PEOPLE v. CRUZ, JR. (Not for Publication)**
The appeal is dismissed.
SCOTLAND, P.J.
We Concur: Sims, J.
 Cantil-Sakauye, J.
- C052561 PURDUE v. NORRIS, as Trustee, etc. (Not for Publication)**
The judgment is affirmed.
MORRISON, Acting P.J.
We Concur: Robie, J.
 Butz, J.
- C052771 HARVEY v. NEELEY (Not for Publication)**
The judgment is affirmed. Respondent Neeley shall recover costs on appeal.
BLEASE, Acting P.J.
We Concur: Sims, J.
 Cantil-Sakauye, J.
- C050792 In re DAVID T.; THE PEOPLE v. DAVID T. (Not for Publication)**
The juvenile court's findings sustaining the allegations that the minor committed forcible rape and assault with intent to commit rape are reversed... In all other respects, the order of the juvenile court is affirmed.
NICHOLSON, Acting P.J.
We Concur: Raye, J.
 Robie, J.

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- C051215 In re RANDELL B.; THE PEOPLE v. RANDELL B.**
(Not for Publication)
The order committing the minor to the Sacramento County Boys Ranch is vacated and the matter is remanded to the juvenile court for further dispositional proceedings.
BLEASE, Acting P.J.
We Concur: Butz, J.
Cantil-Sakauye, J.
- C052100 In re VERONICA E. et al.; BUTTE COUNTY DEPARTMENT OF
EMPLOYMENT AND SOCIAL SERVICES v. CASS E.**
(Not for Publication)
The juvenile court's orders and judgment are affirmed.
SIMS, Acting P.J.
We Concur: Butz, J.
Cantil-Sakauye, J.
- C054642 In re A.C. et al.; SACRAMENTO COUNTY DEPARTMENT OF HEALTH AND
HUMAN SERVICES v. CURTIS C. et al. (Not for Publication)**
The orders of the juvenile court are affirmed.
ROBIE, J.
We Concur: Davis, Acting P.J.
Morrison, J.
- C053773 THE PEOPLE v. BROWN (Not for Publication)**
THE COURT:
It is ordered that the opinion filed in this case on August 3, 2007, be modified...
... These modifications do not change the judgment.
The petition for rehearing is denied.
FOR THE COURT:
SCOTLAND, P.J.
We Concur: MORRISON, J.
CANTIL-SAKAUYE, J.
- C052695 BERRY v. CITY OF JACKSON**
BY THE COURT:
Appellant's petition for rehearing is denied.
SCOTLAND, P.J.

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C053355 CALIFORNIA CAPITAL INSURANCE COMPANY v. NIELSEN
BY THE COURT:

Appellant's petition for rehearing is denied.
DAVIS, Acting P.J.

August 22, 2007

At 9:31 a.m., the court met in the Library and Courts Building to begin its court calendar session. Present were Blease, Associate Justice; Hull, Associate Justice; Butz, Associate Justice; and Harper, bailiff.

C052887 THE PEOPLE v. WOODS

Cause called. Richard Krech, court appointed counsel, argued for appellant. Alice Su, Deputy Attorney General, argued for respondent. Cause submitted.

C054091 VIERRA v. WORKERS' COMPENSATION APPEALS BOARD et al.

Cause called. Tom Royce Johnson, argued for petitioner. Daniel N. Reich argued and Victoria L. Katchis appeared only for respondents. Cause submitted.

C044703 THE PEOPLE v. ROBINSON

Cause called. Cara DeVito, court appointed counsel, argued for appellant. Enid A. Camps, Deputy Attorney General, argued for respondent. Cause submitted.

C052228 THE PEOPLE v. SOLANO

Cause called. R. Robert Monterosa argued for appellant. Robert K. Gezi, Deputy Attorney General, argued for respondent. Cause submitted.

C052904 COOPER et al. v. DUNMORE HOMES, INC.

C052950 SWAN et al. v. DUNMORE HOMES, INC.

Cause called. Kathleen F. Carpenter argued and Alan H. Packer appeared only for appellant. Barry C. Vaughn argued for respondents. Cause submitted.

At 2:39 p.m., the court recessed until 9:30 a.m., Friday, August 24, 2007.

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August 22, 2007, continued

- C046682 THE PEOPLE v. CZUB (Not for Publication)**
Defendant's sentence is reversed and the case is remanded to the trial court with directions to resentence defendant... In all other respects, the judgment is affirmed.
HULL, J.
We Concur: Nicholson, Acting P.J.
Raye, J.
- C051634 THE PEOPLE v. JONES (Not for Publication)**
The matter is remanded to the trial court for further proceedings with respect to presentence custody credit only...
MORRISON, Acting P.J.
We Concur: Robie, J.
Butz, J.
- C053092 THE PEOPLE v. FORD (Not for Publication)**
The judgment is modified... As modified, the judgment is affirmed. The trial court is directed to prepare an amended abstract of judgment accordingly and to forward a certified copy to the Department of Corrections and Rehabilitation.
CANTIL-SAKAUYE, J.
We Concur: Scotland, P.J.
Morrison, J.
- C052986 THE PEOPLE v. PLASTER**
BY THE COURT:
Appellant's petition for rehearing is denied.
SCOTLAND, P.J.

August 23, 2007

- C051579 THE PEOPLE v. KING (Not for Publication)**
Defendant's upper term sentences for robbery, false imprisonment, and corporal injury upon a former cohabitant are vacated and the case is remanded for resentencing in accordance with this opinion. The trial court is directed to correct the abstract... The court shall forward a certified copy of the corrected abstract of judgment to the Department of Corrections and Rehabilitation.
NICHOLSON, J.
We Concur: Sims, Acting P.J.
Robie, J.

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- C053760 THE PEOPLE v. VASQUEZ (Not for Publication)**
The judgment is affirmed.
NICHOLSON, J.
We Concur: Scotland, P.J.
Cantil-Sakauye, J.
- C055152 THE PEOPLE v. HAYWOOD (Not for Publication)**
The judgment is affirmed.
HULL, J.
We Concur: Sims, Acting P.J.
Robie, J.
- C055973 THE PEOPLE v. MCENESPY**
BY THE COURT:
Appellant's request for transfer to the Appellate Division of the Superior Court for the County of Butte is granted.
SIMS, Acting P.J.
- C056609 THE PEOPLE v. ELVEY**
BY THE COURT:
Defendant's request for permission to file a written notice of appeal under the constructive filing doctrine is denied.
SIMS, Acting P.J.

August 24, 2007

At 9:30 a.m., the court met in the Library and Courts Building to begin its court calendar session. Present were Sims, Associate Justice; Nicholson, Associate Justice; Butz, Associate Justice; and Harper, bailiff.

- C052704 THE POCKET PROTECTORS v. CITY OF SACRAMENTO et al. and REGIS HOMES OF NORTHER CALIFORNIA, INC., et al.**
Cause called. Susan Brandy-Hawley argued and Paige J. Swartley appeared only for appellant. Daniel M. Kolkey argued and Joseph P. Cerullo and Sabrina V. Teller appeared only for respondents. Cause submitted.

At 10:01 a.m., the court recessed. At 10:05 a.m., the court reconvened with Scotland, Presiding Justice; Hull, Associate Justice; and Cantil-Sakauye, Associate Justice.

- C054211 THE PEOPLE v. BRIONES**
Cause called. Michael L. Chastaine argued for appellant. Catherine B. Chatman, Deputy Attorney General, argued for respondent. Cause submitted.

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August 24, 2007, continued

At 10:28 a.m., the court recessed. At 10:32 a.m., the court reconvened with Nicholson, Associate Justice; Hull, Associate Justice; and Cantil-Sakauye, Associate Justice.

C051339 THE PEOPLE v. PRINDLE

Cause called. Roberta Simon, court appointed counsel, argued for appellant. Alison Elle Aleman, Deputy Attorney General, argued for respondent. Cause submitted.

At 10:52 a.m., the court recessed. At 10:55 a.m., the court reconvened with Nicholson, Associate Justice; Butz, Associate Justice; and Cantil-Sakauye, Associate Justice.

C052556 LABRIE et al. v. EATON

Cause called. Charles A. Bonner argued for appellants. Matthew C. Jaime argued and Andrea Christensen appeared only for respondent. Cause submitted.

C052289 THE PEOPLE v. FARRELL

Cause called. Jerry D. Whatley, court appointed counsel, argued for appellant. Robert K. Gezi, Deputy Attorney General, argued for respondent. Cause submitted.

At 11:45 a.m., the court recessed. At 2:00 p.m., the court reconvened with Scotland, Presiding Justice; Raye, Associate Justice; and Robie, Associate Justice.

C054068 POWEREX CORPORATION v. THE SUPERIOR COURT OF SACRAMENTO COUNTY and DEPARTMENT OF WATER RESOURCES

Cause called. Andrew M. Edison, argued and Steven H. Gurnee appeared only for petitioner. Martin Goyette, Deputy Attorney General, argued and Annadel A. Almendras, Deputy Attorney General, appeared only for real party in interest. Cause submitted.

At 2:50 p.m., the court reconvened until 9:30 a.m., Monday, August 27, 2007.

C051779 THE PEOPLE v. RUTHERFORD

(Not for Publication)

The judgment is affirmed.

SIMS, Acting P.J.

We Concur: Hull, J.
Robie, J.

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August 24, 2007, continued

- C053103 THE PEOPLE v. BARLING (Not for Publication)**
The judgment is affirmed.
SIMS, Acting P.J.
We concur: Hull, J.
Robie, J.
- C053607 THE PEOPLE v. DRAKE (Not for Publication)**
The judgment is affirmed.
ROBIE, J.
We Concur: Nicholson, Acting P.J.
Morrison, J.
- C053407 THE PEOPLE v. EDWARD D. JONES & CO. (CERTIFIED FOR PUBLICATION)**
The judgment is reversed, and the matter is remanded to the trial court with instructions to vacate the order sustaining the demurrer without leave to amend and enter a new and different order overruling the demurrer. The People shall recover their costs on appeal...
ROBIE, J.
We Concur: Raye, Acting P.J.
Butz, J.
- C055278 In re KAYLIE C. et al; SACRAMENTO COUNTY DEPARTMENT OF HEALTH AND HUMAN SERVICES v. CINDY T. (Not for Publication)**
The orders of the juvenile court are affirmed.
HULL, J.
We Concur: Sims, Acting P.J.
Robie, J.
- C056625 In re CHELSEA R. et al.; SACRAMENTO COUNTY DEPARTMENT OF HEALTH AND HUMAN SERVICES v. RYANN C. BY THE COURT:**
The court examined the notice of appeal and determined that the order appealed from is nonappealable as to the Chavez minors... Therefore, the appeal filed on August 13, 2007, is dismissed as to the Chavez minors only. This dismissal does not affect the appeal as to the Rollins minors.
SCOTLAND, P.J.